

Amendments to the Drawings

In FIG. 1: “26a-h” has been changed to “24a-h.”

Attachment: 1 Replacement sheet of drawings

Remarks

This is responsive to the Office Action mailed September 6, 2006. The amendments to the specification serve solely to correct typographical errors and informalities. The amendments to the claims serve solely to more particularly point out and distinctly claim that which is patentable subject matter. The amendments are proper, do not add new matter, and are not narrowing of claim scope in response to a substantiated rejection over a cited reference.

The amendment to claim 1 incorporates the subject matter of former claim 2, placing former claim 2 in independent form.

The amendment to claim 3 corrects a typographical error.

The amendment to claim 4 incorporates the subject matter of former claim 5, placing former claim 5 in independent form.

The amendment to claim 10 corrects a typographical error.

Rejection Under Section 102

Claims 1, 4, and 7-10 stand rejected as being anticipated by Seaver '689. Applicant has obviated this rejection by amending claims 1 and 4 to place them in condition for allowance in accordance with the indication of allowable subject matter in former claims 2 and 5, respectively. Reconsideration and withdrawal of the rejection of claims 1 and 4 and the claims depending therefrom are respectfully requested.

Applicant notes that the amendments to claims 1 and 4 are made solely in order to facilitate progress on the merits in this case, by more particularly pointing out and distinctly claiming that which is patentable subject matter. The Examiner has not substantiated the

requisite *prima facie* case of anticipation by not providing evidence in the record that Seaver '689 identically discloses all the recited features of independent claims 1 and 4, which include at least the following:

generating a reference velocity...based on a function that causes a first derivative with respect to time of the reference velocity to vary linearly with respect to time.
(excerpt of claim 1, emphasis added)

the reference velocity is determined in accordance with a function....
(excerpt of claim 4, emphasis added)

The Examiner relies on Seaver '689 for its disclosure of linear acceleration. However, this reliance on Seaver '689 is misplaced with respect to the language of the rejected claims. Particularly, Seaver '689 discloses determining a seek acceleration profile with linear acceleration and deceleration components. The velocity profile is disclosed as being no more than the result of the selected acceleration profile:

The deceleration is then gradually brought to zero at a constant slope profile until it reaches zero at time t_n . This acceleration profile results in a velocity profile as shown in FIG. 4....
(Seaver '689, col. 4 lines 27-30, emphasis added)

Rather than generating (or determining) a reference velocity as in the present embodiments as claimed, Seaver '689 discloses generating a reference acceleration.

Rejection Under Section 103

Claim 11 stands rejected as being unpatentable over Seaver '217 in view of Wakuda '217. However, claim 11 is allowable over the art of record at least for the reasons that: (1) Wakuda '217 fails to cure the deficient teaching of Seaver '217 regarding generating a reference velocity, and (2) claim 11 depends from an allowable independent

claim, for reasons above, and provides additional limitations thereto. Reconsideration and withdrawal of the rejection of claim 11 are respectfully requested.

Claims 3 and 6 stand rejected as being unpatentable over Seaver '217 in view of Magee '098. However, these claims are allowable over the art of record at least for the reasons that: (1) Magee '098 fails to cure the deficient disclosure of Seaver '217 regarding generating a reference velocity, and (2) the claims depend from an allowable independent claim, for reasons above, and provides additional limitations thereto. Reconsideration and withdrawal of the rejection of claims 3 and 6 are respectfully requested.

Allowed/Allowable Subject Matter

Applicant gratefully acknowledges the allowance of claims 12 and 13.

Applicant also gratefully acknowledges the indication of allowable subject matter in former claims 2 and 5. Applicant has amended claims 1 and 4 in order to rewrite former claims 2 and 5 in independent form, placing claims 1 and 4 in condition for allowance.

Conclusion

This is a complete response to the Office Action mailed September 6, 2006.

Reconsideration and allowance of all pending claims are respectfully requested.

Should any questions arise concerning this response, the Examiner is encouraged to contact the below signed attorney.

Respectfully submitted,

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